

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SIGNATOURS CORPORATION,

Plaintiff,

v.

SCOTT FISHER,

Defendant.

Civil Action No. 14-cv-1602

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

JURY TRIAL REQUESTED

Plaintiff Signatours Corporation hereby alleges the following causes of action against Defendant:

I. PARTIES

1. Signatours Corporation ("Signatours") is a Washington corporation having a place of business in Seattle, Washington.

2. Defendant Scott Fisher is an individual believed to have a place of residence at 3406 199th Avenue Court East, Lake Tapps, WA 98391.

II. JURISDICTION AND VENUE

3. This action arises under the copyright laws of the United States of America, 17 U.S.C. § 101 *et seq.* Jurisdiction over the copyright claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338.

1 4. Venue is proper in this Court pursuant to 28 USC §§ 1391(b) and (c) and 1400(a).
2 Defendant resides in, has transacted business in and has had continuous and systematic contacts
3 with the Western District of Washington. A substantial part of the events or omissions giving rise
4 to the claims occurred in this District.

5 **III. SIGNATOURS' BUSINESS AND COPYRIGHTS**

6 5. Signatours authors and is the owner of non-stock, high-dynamic range (HDR),
7 commercial photographs of inns, resorts and vacation rental properties. These photographs are
8 typically licensed to management companies for use in marketing and rental of the properties.
9 Signatours is the copyright owner of such high quality photographs to the vacation rental
10 property referred to as "Eagle Thunder Lodge Property" or "Snoqualmie Summit" (hereinafter
11 "Eagle Thunder Lodge photographs"). Signatours secured federal copyright protection of these
12 photographs under U.S. Copyright Registration Nos. VAu001055316, effective January 10,
13 2011.

14 6. Without the permission of Signatours, Defendant has copied and published
15 multiple Signatours Eagle Thunder Lodge photographs in their rental marketing materials on
16 Internet vacation rental websites such as *reachoo.com* and *craigslist.com*. On information and
17 belief, Defendant widely distributed and publicly displayed Signatours Eagle Thunder Lodge
18 photographs. Defendant used Signatours' copyrighted photographs for the purpose of marketing
19 and/or renting the property for commercial gain.

20 7. Defendant has at all relevant times been aware of Signatours' copyrighted
21 photographs. Defendant has no license from Signatours and despite notice of his wrongful
22 activities Defendant deliberately and willfully infringed Signatours' copyrights.

IV. CAUSE OF ACTION—COPYRIGHT INFRINGEMENT

8. Signatours realleges the preceding paragraphs of this complaint.

9. By copying, modifying and creating one or more derivative works and/or displaying and distributing Signatours' Eagle Thunder Lodge photographs, Defendant's actions constitute copyright infringement in violation of 17 U.S.C. § 101 *et seq.*

10. Defendant has facilitated possible infringement of others by failing to display Signatours' work with a credit and copyright notice attached and by publishing the Eagle Thunder Lodge photographs on the Internet.

11. Defendant has profited from unauthorized use of Signatours' copyrighted work.

12. Defendant had access to Signatours' copyrighted materials and knowledge of Signatours' ownership rights in the Eagle Thunder Lodge photographs and his infringing activities were deliberate, knowing, willful, and malicious, and were designed to provide Defendant with an economic advantage over Signatours or benefit at Signatours' expense. As a result of Defendant's willfully infringing acts, Signatours has been injured and has suffered damages in an amount to be proved at trial.

13. Signatours claims remedies to which it may be entitled by law, including Defendant's revenues and profits pursuant to 17 U.S.C. 504(b); at Signatours' election and in the alternative, actual damages or statutory damages up to \$150,000 per infringement pursuant to 17 U.S.C. § 504(c); injunctive relief pursuant to 17 U.S.C. § 502; impounding and destruction of infringing articles pursuant to 17 U.S.C. § 503; and attorney's fees and costs pursuant to 17 U.S.C. § 505 and otherwise allowed by law.

V. PRAYER FOR RELIEF

WHEREFORE, Signatours prays for the following alternative and cumulative relief:

A. An order preliminarily and permanently enjoining Defendant and all persons in active concert or participation therewith from copying or creating derivative works based on Signatours' copyrights;

- 1 B. An order, as specifically provided by 17 U.S.C. § 503 and other applicable law,
2 for seizure to recover, impound, and destroy all things infringing Signatours'
3 copyrighted materials, including any video, written, or digitally maintained
4 materials Defendant may possess or have under his control, or under the control
5 of any of Defendant's respective officers, agents, servants, employees, attorneys,
6 or any other person acting in concert or participation with Defendant;
7
8 C. An order requiring Defendant to file with this Court and serve on Signatours,
9 within 30 days of service of this order, a report in writing under oath setting forth
10 in detail the manner and form in which Defendant has complied with the terms of
11 the ordered relief;
12
13 D. Damages in an amount sufficient to compensate Signatours for all injury
14 sustained as a result of Defendant's wrongful activities, including wrongful
15 profits of Defendant, as provided under applicable law;
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17 E. Treble the amount of damages recovered by Signatours or other exemplary
18 damages and all of its litigation expenses, including reasonable attorneys' fees
19 and costs, as provided under applicable law; and
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21 F. Such other and further relief as the Court may deem just.
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RESPECTFULLY SUBMITTED this 17th day of October, 2014.

s/David A. Lowe, WSBA No. 24,453
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